

REMARKS

Claims 1-4, 6-15 and 17-20 were pending in the present application and were rejected. Claims 1 and 19 are herein amended. New claims 21-26 are added herein. Claims 8-15, 17 and 18 are herein cancelled without prejudice.

Applicants' Response to Claim Rejections under 35 U.S.C. §102

Claims 1, 7, 8, 11, 15, 18 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Finch (U.S. Patent No. 6,850,902).

It is the position of the Office Action that Finch discloses the invention as claimed. Finch is directed at a method for tracking information and title history of selected equipment. Finch is primarily directed at a system for tracking title history records 10. The information contained within the title history record 10 is disclosed to be "equipment serial number, make, model, year of manufacture, hours of use, warranty information, and dealer information." Column 4, lines 54-57. Finch discloses the title history record being obtained at three points: original creation of the data (column 4, lines 54-57), updating an existing file history (column 5, lines 26-31), and at the time of sale to a new owner (column 5, lines 35-40). According to Finch, an update may be "a change of address, change in lender/financing information such as a lien release, change in theft status, insurance information, registration fees, taxes, or any other information stored in the record other than change of ownership." Column 5, lines 26-31. Finally, upon sale of the equipment, information is changed such as "date of sale, purchase price, purchaser's name (new

owner), seller's name (old owner), hours of use on the equipment, and any other relevant information." Column 5, lines 37-40.

In response, Applicants first respectfully submit that the rejection of claims 8, 11, 15 and 18 is moot, since these claims are cancelled herein. With regard to claims 1, 7 and 19, Applicants respectfully submit that the present claims distinguish over the cited art. In particular, claims 1 and 19 are herein amended in order to specify the content of the usage data. As recited by the present claims, the usage data includes usage field data and operating data which indicates the operating hours in each usage field. The claims further require that a usage field is selected from among several different usage fields, each putting different amounts of workload on articles, such as construction machines. As such, the claimed invention includes usage data which would reflect this. Based on this usage data, the total operating hours by usage field are determined. This amendment is supported by at least the disclosure at page 30, lines 1-8, which states that "[i]t is well known in any industry, that the workload place on construction machine differs according to the field in which a user works and so the number of operating hours by industry is useful in determining the quality of a construction machine. "Industry name" indicates the usage field of an article such as a construction machine.

On the other hand, Finch does not disclose or suggest providing field of use data, or operating data for each field of use. Although Finch contemplates farm, lawn and industrial equipment, it only discloses that "potential buyers of farm machinery are interested in information regarding the age and hours of usage of the machinery as well as warranty information." Column 1, lines 54-56. Finch does not disclose or suggest that machinery would

be used in multiple fields, or that each field would place a different amount of workload on the machine. Rather, Finch merely presumes that all types of use are equal, and thus that all hours of operation place an equal amount of workload on the machine.

Finch is directed at title history records being obtained only at the original creation of the record, when the record needs to be updated due to an event such as the owner moving, a change in lien status, etc., or when the equipment is sold. The information in Finch is inputted manually. Accordingly, even if the machines of Finch were used in different fields which impart different amounts of workload on the machine, there would be no way to accurately collect this data without placing an enormous burden on the user to maintain meticulous records throughout his entire ownership of the machine. The machines themselves would only record a total operating time, and the user would need to keep track of specific operating hours for each usage. There is no suggestion of disclosure of this. Further, even if such records were obtained, Finch does not disclose or suggest a step of determining total operating hours by usage field, based on usage data. Accordingly, Applicants respectfully submit that Finch does not disclose or suggest the invention as claimed. Favorable reconsideration is respectfully requested.

Additionally, Applicants herein add new claims 21-26. These claims similarly provide for the tracking usage data of attachments to articles. This subject matter is supported at least by the disclosure at page 39, line 6 to page 40, line 11. This is not disclosed or suggested by any of the cited references. Favorable consideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claims 2-4, 10, 12-14 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Finch in view of Ukai et al. (U.S. Patent Application Publication No. 2003/0191581).

With respect to claims 2, 9 and 12, it is the position of the Office Action that Finch discloses the invention as claimed, with the exception of the data collection step being conducted by communicating with the articles from a remote location. The Office Action relies on Ukai to provide this teaching. With respect to claims 3, 10, 12 and 20, it is the position of the Office Action that Finch discloses the invention as claimed, with the exception of the service data collection, storage, and provision steps. The Office Action relies on Ukai to provide this teaching.

In response, Applicants first respectfully submit that the rejection of claims 10 and 12-14 is moot, since these claims are cancelled herein. With respect to claims 2-4 and 20, Applicants respectfully submit that these claims are patentable at least due to their dependency on claims 1 and 19, respectively. Favorable reconsideration is respectfully requested.

Additionally, with respect to claim 2, Applicants respectfully submit that one having ordinary skill in the art would not have been motivated to combine the teachings of Finch and Ukai. Finch does not disclose or suggest communication with the articles. Rather, Finch is directed at a database for storing information which is manually inputted by a user. Additionally, the information primarily envisaged by Finch, such as owner name, lien status, date of sale, etc., is not information which is even recorded by the article itself. Rather, such information is

recorded by the user. In other words, Finch does not disclose or suggest any type of electronic connection between the database and the article. Furthermore, the type of data contemplated by Finch is not updated in “real-time,” since data such as owner and lien information rarely changes. Additionally, Finch does not address a customer evaluating the condition of equipment before purchase, but rather is directed at the legitimacy and centralizing of ownership records. Thus, one having ordinary skill in the art would not have been motivated to combine the teachings of Finch and Ukai.

Finally, with respect to claims 3 and 20, Applicants respectfully submit that the combination of references does not disclose or suggest the service data collection, storage and provision steps as recited by the pending claims. It is the position of the Office Action that Ukai discloses collection, storage and provision of service history. As discussed on page 10, line 15 of the present invention, service data is that which relates to maintenance, repair, and inspection of the articles. Ukai does not disclose or suggest such service data. Although the word “service” is present in paragraph [0103], [0133], [0134] and [0137], Ukai does not disclose the same meaning of “service” as recited by claims 3, 10, 12 and 20. In paragraphs [0102] and [0103], Ukai discloses collecting data to sell to create statistic based on “the number of service points.” Ukai is unclear on what these service points are but states that they “may be rendered to the driver of the vehicle.” Thus, it is clear that this passage of Ukai does not disclose or suggest the “service data” as recited by the present invention. Additionally, paragraphs [0133] to [0137] also disclose a “service.” However, this is “a service of providing data to used-car dealers.” Accordingly, favorable reconsideration is respectfully requested.

Supplemental Amendment
Serial No. 10/051,048
Attorney Docket No. 020011

Claims 6 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Finch in view of Rose, Jr. et al. (U.S. Patent No. 6,076,064).

It is the position of the Office Action that Finch discloses the invention as claimed, with the exception of the usage data including photographic data showing actual images of the article. The Office Action relies on Rose to provide this teaching.

In response, Applicants first respectfully submit that the rejection of claim 17 is moot, since these claims are cancelled herein. With respect to claim 6, Applicants respectfully submit that this claim is patentable at least due to its dependency on claim 1, which Applicants respectfully submit is patentable for at least the reasons discussed above.


For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

Supplemental Amendment
Serial No. 10/051,048
Attorney Docket No. 020011

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'R. Chirnomas', is written above the printed name.

Ryan B. Chirnomas
Attorney for Applicants
Registration No. 56,527
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

RBC/nrp